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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

TRIKE ROBERT SHOOK

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v.

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

Case: 2:24-cv-12659

Assigned To : Edmunds, Nancy G.

Referral Judge: Ivy, Curtis, Jr

Assign. Date : 10/8/2024

Description: PR SHOOK V. CHEBOYGAN COUNTY JAIL (MC)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

**Complaint for Violation of Civil Rights
(Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name TRIKE ROBERT SHOOK

All other names by which you have been known:

ID Number

20817

Current Institution

Cheboygan County Jail

Address

870 ~~W~~ MAIN ST
CHEBOYGAN, MI 49721

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

CHEBOYGAN COUNTY JAIL

Job or Title
(if known)

Shield Number

Employer

Cheboygan County Sheriff Office

Address

870 MAIN ST
CHEBOYGAN, MI 49721

☐ Individual capacity

☒ Official capacity

Defendant No. 2

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

☐ Individual capacity ☐ Official capacity

Defendant No. 3

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

6th - RIGHT TO SPEEDY TRIAL

8th - EXCESSIVE BAIL, CRUEL & UNUSUAL PUNISHMENT

5th - DUE PROCESS

14th - PRIVILEGES, PROTECTIONS, DUE PROCESS

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

X

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

DURING My time AT cheboygan County Jail, the arresting officer in my case repeatedly came by and into my cell to harass me.

Please see attached timeline FOR DETAILS.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

These events happened within the Cheboygan County Jail

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

please see attached timeline.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

please see attached timeline.

- D. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

please see attached timeline.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Mental distress, Anxiety, depression.
Counseling was requested, Received one time.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

\$ 139,206.23

Loss of wages due to lack of speedy trial during incarceration.

Mental distress

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

CHEBOYGAN COUNTY JAIL
870 N. MAIN ST
CHEBOYGAN, MI 49721

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

they have an 8 page grievance on file

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes
☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes
☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Cheboygon County Jail

2. What did you claim in your grievance?

I explained what the arresting officer had been doing to me - see attached.

3. What was the result, if any?

No results.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

Grievance never completed, no action from Jail, sheriff or county offices

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

/

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

/

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Sept 30, 2024

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City

State

Zip Code

Additional Information:

Timeline for grievance, Trike Shook, Cheboygan County Jail, Inmate #20827. 870 Main Street, Cheboygan, MI 49721

September 22, 2023 is when the officer started coming by cell 11, Trike's cell. There were 2 arresting officers, Darrin and Dale Kolatski. In this timeline, Kolatski refers to Darrin Kolatski. Officer Kolatski was coming by Trike's cell multiple times a day, staring at Trike, making faces at him, pointing at him. During these first couple days is when Trike said something to Kolatski, himself, about the harassment. Kolatski said that he can say or do anything he wants, and everyone would believe him over the inmates.

Kolatski had been by multiple times a day, except weekends. He continued to behave in the same manner.

Oct 5, 2023: Kolatski came into the cell, waking Trike up yelling and screaming at him, tearing blankets from him while he was asleep.

Oct 11, 2023 - Kolatski enters cell 11 again. Trike was removed and put in a holding cell after a couple minutes. Kolatski performs a search of the cell, all of Trike's and other inmates' items, confiscating many things. He also takes liberty to look through Trike's legal papers. At this point Trike is being removed. He was kept in a holding cell for 7 hours. Then he was written up for having a spork with the prongs ripped off (used for stirring tea). He lost video visits and kiosk texting privileges until Oct 19, 2023.

While Trike was in holding, Kolatski came by the holding cell also. Trike said something about them both being involved in the same case, and it is not right that he is the one going through Trike's things. Kolatski smiles and says, "Maybe I did, maybe I didn't" And that is after Trike saw him beginning the search.

After that, Trike requested to be moved to a different cell. He had never been moved because of a disciplinary action, not once. He's been through different cells because of running out of space after being transferred out of this jail and into another for a short term while resolving another case from St Clair County. He requested to be moved upon return because he was uncomfortable. Apparently someone had told cell 11 that he wasn't coming back, and someone had took some of his things. Trike did not tell any officers about that, just that he would rather just be moved to another cell. Also, those cell mates were tired of getting the backlash of the harassment by Kolatski. Trike was moved to cell 5.

On the morning of 10-13-23, Kolatski comes by again. Trike had a couple hard-boiled eggs leftover from breakfast that he was saving for lunch. This has never been an issue in the past. Kolatski reaches through the bars and takes them, presumably to throw out.

All of the inmates in both cells 11 and 5 agree they have never seen such behavior and agree that Trike was getting harassed and targeted by Kolatski, and agreed to go on record as witnesses. Corporal Mike Vieau also agreed that seems to be the case, but said there is nothing he can do about it. On a previous occasion Cpl Cronk also commented that Kolatski seems to be targeting Trike on a personal level. Officer Potter also pointed out that Kolatski was incorrect on the police report saying that Trike was uncooperative once at the police station. Potter says that Trike was obedient and respectful, following all the rules.

Ultimately Trike lost all communication privileges until he was bailed out on November 24, 2023. The harassment continued through then, but Trike was not able to communicate out exactly what was happening.

Note: This timeline was prepared by friend to Trike, Elizabeth Ziolkowski. All information was communicated via text or phone call to Elizabeth until the point of privileges being removed.

My contact information is:

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Memphis, MI 48041

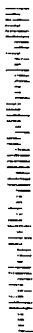
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